

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 15, 2023**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STILLWATER INSURANCE  
COMPANY, a foreign insurer,

Plaintiff,

v.

AUSTIN BAXTER, an individual; and  
SOMPO AMERICA INSURANCE  
COMPANY, a foreign insurer,

Defendants.

No. 2:22-cv-000279-MKD

ORDER ON NOTICES OF  
DISMISSAL

**ECF Nos. 5, 6**

Before the Court is Plaintiff's Notice of Voluntary Dismissal of Claims against Austin Baxter Without Prejudice, ECF No. 5, and Notice of Voluntary Dismissal of Claims against Sompo America Insurance Company With Prejudice, ECF No. 6. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), a plaintiff may dismiss an action without court order by filing a notice of dismissal before the opposing parties serve answers or motions for summary judgment. The notice may be for

1 dismissal with or without prejudice. Fed. R. Civ. P. 41(a)(1)(A)(i). No party has  
2 filed an answer or motion for summary judgment.

3 Accordingly, **IT IS ORDERED:**

4 1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and Plaintiff's Notice of  
5 Voluntary Dismissal of Claims against Austin Baxter Without Prejudice, **ECF No.**  
6 **5**, all claims against Defendant Austin Baxter are **DISMISSED without**  
7 **prejudice**, without an award of fees or costs.

8 2. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and Plaintiff's Notice of  
9 Voluntary Dismissal of Claims against Somp America Insurance Company With  
10 Prejudice, **ECF No. 6**, all claims against Defendant Somp America Insurance  
11 Company are **DISMISSED with prejudice**, without an award of fees or costs.

12 3. Any pending motions are **DENIED as moot**.

13 4. All hearings and other deadlines are **STRICKEN**.

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
15 Order, provide copies to the parties, and **CLOSE** the file.

16 DATED February 14, 2023.

17 s/Mary K. Dimke  
18 MARY K. DIMKE  
19 UNITED STATES DISTRICT JUDGE  
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